

MEMORANDUM TO: All Members of the Metropolitan Council

FROM: Donald W. Jones, Director
Metropolitan Council Office

DATE: **August 19, 2003**

RE: **Analysis Report**

Balances As Of:
8/14/02

8/13/03

<u>GSD 4% RESERVE FUND</u>	\$15,666,712	\$16,371,233
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CONTINGENCY ACCOUNTS

GSD	\$50,000	\$50,000
USD	\$50,000	\$50,000

GENERAL FUND

GSD	Unavailable	Unavailable
USD	Unavailable	Unavailable

GENERAL PURPOSE
SCHOOL FUND

Unavailable	Unavailable
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- RESOLUTIONS -

RESOLUTION NO. RS2003-1593 (PONDER) – This resolution declares the criminal courts building on Second Avenue North, adjacent to the Ben West Building, as the “Beverly Briley Building”. The construction of the new criminal courts building has been funded by the council. This resolution simply provides that the council is going on record as declaring the criminal courts building as the “Beverly Briley Building”, in recognition of the first mayor of the Metropolitan Government of Nashville and Davidson County. This resolution does not actually name the building. The code of laws provides that no building of the Metropolitan Government may be named except by ordinance adopted by the council.

RESOLUTION NO. RS2003-1594 (WALLACE & BEEHAN) – This resolution accepts a grant in the amount of \$844,475 from the U.S. department of housing and urban development to the Metropolitan Government for redevelopment of the Rolling Mill Hill site. The council approved an ordinance on third and final reading at the August 5, 2003 meeting that authorized the director of public property administration to transfer the Rolling Mill Hill property to the Metropolitan development and housing agency (MDHA) for redevelopment. This area has been vacant since 1998 when General Hospital moved off-site. The 35-acre Rolling Mill Hill site is to be redeveloped into a mixed-use urban neighborhood including residential, commercial, and retail development. This grant to be administered by MDHA will provide funds to offset some of the redevelopment costs. Specifically, MDHA proposes that the funds be allocated as follows:

- \$125,000 for project market feasibility and master planning analyses;
- \$200,000 for environmental and geo-technical work;
- \$80,000 for architectural and engineering design of infrastructure improvements;
- \$275,000 for demolition costs;
- \$120,000 for project administration costs; and
- \$44,475 for project contingencies.

RESOLUTION NO. RS2003-1595 (TYGARD) – This resolution accepts the 2003 Plan Update for the Bellevue community adopted by the planning commission on February 13, 2003. The plan update is a result of thirteen community meetings held in the Bellevue area between March 2002 and January 2003 where citizen input was sought in developing the plan update. This resolution is simply a memorializing of the plan by the council, as the plan has no binding effect on zoning decisions made by the council.

RESOLUTION NO. RS2003-1596 (JENKINS) – This resolution authorizes the mayor to submit an application for a grant in the amount of \$1,709,673 as part of the U.S. Homeland Security Grant Program, and accepts the grant award upon approval of the grant contracts by the department of law and the department of finance. If awarded, these funds will be used to cover operations of the office of emergency management (OEM) from May 1, 2003, through April 30, 2004. OEM will use the grant funds to focus on strategic planning, expanded training, and providing equipment for public safety and infrastructure protection.

The Council Office is of the opinion that this resolution should be amended to require that the grant agreement be approved by the council once the grant agreement is awarded. The council, by adoption of Ordinance No. BL2002-1186 in November of 2002, did authorize all (continued on next page)

RESOLUTION NO. RS2003-1596 (continued)

grant awards requiring council approval to be approved by resolution. However, that ordinance did not authorize the approval of grants before they are awarded. It is inappropriate for the council to accept a grant award in advance, as the council cannot be made aware of the precise terms and conditions of the grant without having the opportunity to review the grant contract prior to its acceptance.

RESOLUTION NO. RS2003-1597 (JENKINS) – This resolution authorizes the mayor to submit an application to the U.S. department of justice for a law enforcement block grant to be used by various Metro agencies. The grant application is for federal funds totaling \$1,542,856, with a local match of \$171,428 to be provided from the operating budget of those departments receiving the funds. The grant, if awarded, is an annual grant used to reduce crime and improve public safety. The following agencies will receive funding under this grant if it is awarded:

<u>Department</u>	<u>Grant Award</u>	<u>Required Match</u>
Police	\$509,909.43	\$56,656.60
Drug Court	\$261,535.54	\$29,059.50
Sheriff	\$222,277.26	\$24,697.47
Public Schools	\$200,857.87	\$22,317.65
District Attorney	\$177,138.38	\$19,682.04
JIS	\$88,295.49	\$9,810.61
Juvenile Court	\$54,419.77	\$6,046.64
Public Defender	\$28,421.26	\$3,157.92

RESOLUTION NO. RS2003-1598 (HALL) – This resolution authorizes the mayor to submit an application for a grant from the U.S. department of homeland security to the department of water and sewerage services to mitigate natural hazard within Nashville and Davidson County. The application seeks federal funding in the amount of \$101,250 with a local match of \$33,750 for this project. These grant funds, if awarded, will be used to prepare a multi-hazard mitigation plan to mitigate losses from natural hazards, including earthquakes, winter storms, thunderstorms, tornadoes, wildfires, heat and drought, sinkholes, flooding, and dam failures.

RESOLUTION NO. RS2003-1599 (JENKINS) – This resolution authorizes the mayor to submit an application to the U.S. department of justice for the Project Safe Neighborhoods (PSN) grant and approves the grant award. The federal government requires that such grant applications for federal funding be approved by the local legislative body. However, this grant application has apparently already been electronically submitted and a grant in the amount of \$150,000 has been awarded. Thus, this resolution authorizes the application of the grant and at the same time accepts the grant award. These grant funds

will be used by the police department to support the strategic planning and accountability portion of the PSN initiatives within the Middle Tennessee area. The police department will analyze firearms-related violent crime data, develop interventions, and measure the effectiveness of the interventions in reducing gun-related violent crime. The purpose of the PSN initiative is to bring federal, state, and local agencies together to reduce gun violence in America. This is a one-time grant to cover a period of three years. There is a required local match of \$18,526 to be provided from the police department's budget.

RESOLUTION NO. RS2003-1600 (JENKINS & PONDER) – This resolution approves an annual grant in the amount of \$50,585 from the state arts commission to the Metro arts commission for the current fiscal year. The funds will be used to make grants to not-for-profit organizations. There is a required local match in the amount of \$50,585 to be provided from the Metro arts commission budget. These funds are provided in addition to the other funds provided in the operating budget for arts grants.

RESOLUTION NO. RS2003-1601 (GILMORE) – This resolution approves an annual grant in the amount of \$31,550 from the state department of state to the Nashville public library system for library services to the disadvantaged. The grant funds will be used to improve library services for individuals who are living below the federal poverty level, who have low educational attainment, or have various other disadvantages. The term of the grant is from September 1, 2003, through September 30, 2004.

RESOLUTION NO. RS2003-1602 (JENKINS) – This resolution approves a grant in the amount of \$3,000 from the state historical commission to the Metro historical commission for the NAPC Commissioner Assistance and Mentoring Program. The grant funds will be used to bring the National Alliance of Preservation Commissions (NAPC) one-day training workshop to Nashville. The intent of the workshop is to bring a national perspective to current design review practices, and to address procedural and legal issues associated with historic zoning commission activities. There is a required local match of \$2,000 for this grant. The term of the grant is from August 1, 2003, through September 30, 2004, with a possible extension of up to four additional one-year periods.

RESOLUTION NO. RS2003-1603 (JENKINS) – This resolution approves a grant in the amount of \$21,975 from the state department of agriculture to the board of parks and recreation relative to the urban and community forestry program. This grant is to provide funding to complete urban and community forestry projects, including purchasing tree inventory software, completing a pilot project inventory of downtown public space trees, developing an educational brochure for the Centennial Park tree trail, sending two tree advisory committee members to the National Urban Forestry Conference, and to conduct a series of tree educational classes. Metro will provide a \$5,000 matching amount through in-kind services. The term of the grant is from July 1, 2003, through September 30, 2004.

RESOLUTION NOS. RS2003-1604, RS2003-1605, RS2003-1606 & RS2003-1607 (JENKINS & WALLACE) – These four resolutions approve three new grants and an amendment to an existing grant from the state department of labor and workforce development, under the provisions of the Workforce Investment Act of 1998, to provide

funding to the Nashville career advancement center (NCAC) to prepare adults, youth, and dislocated workers for re-entry into the labor force, and to offer training to those facing serious barriers to productive employment. These grants are essentially federal pass-through funds that provide the operating funds for NCAC.

Resolution No. RS2003-1604 approves an adult worker grant in the amount of \$153,222 with a term commencing on October 1, 2003 and ending on September 30, 2004. The grant may be extended for two additional one-year periods.

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RESOLUTION NOS. RS2003-1604, RS2003-1605, RS2003-1606 & RS2003-1607
(continued)

Resolution No. RS2003-1605 approves an adult worker grant in the amount of \$237,585.21 with a term commencing on July 1, 2003 and extending through June 30, 2005.

Resolution No. RS2003-1606 amends an existing grant in the amount of \$132,988.39 for administrative and operating costs by increasing the grant award by \$68,413.30 for a total grant award of \$201,401.69.

Resolution No. RS2003-1607 approves a dislocated worker grant in the amount of \$378,134.53 with a term commencing on July 1, 2003 and extending through June 30, 2005.

RESOLUTION NO. RS2003-1608 (HALL & JENKINS) – This resolution approves a contract between the state department of transportation and the Metropolitan Government for improvements to traffic signals at 10 intersections on Charlotte Avenue and West End Avenue. The cost for the project is estimated to be \$950,000, which funds will be provided by the federal government. The signalization improvements to be made include detection system repairs and replacement, replacing all vehicle and pedestrian signal displays with LED signal heads, and the installation of video surveillance cameras.

RESOLUTION NO. RS2003-1609 (JENKINS) – This resolution approves a grant in the amount of \$12,000 from the state department of state to the public library to purchase computers and software. The grant funds will be used to purchase computers for patrons to access the Internet and/or library management software. There is a required Metro match of \$12,000 for this grant.

RESOLUTION NO. RS2003-1610 (JENKINS) – This resolution approves a third amendment to a lease agreement between the Metropolitan Government and W.S. Investment Holdings, L.P., for the lease of office space in the Washington Square building. Metro is currently leasing 38,649 square feet of space in the Washington Square building for the district attorney's office. This resolution approves an amendment to the agreement for the lease of an additional 1,509 square feet of space at no additional cost to Metro. The term of the lease is to expire on November 30, 2003.

RESOLUTION NO. RS2003-1611 (JENKINS) – This resolution approves contracts for the privatization of the long-term acute care facility at Bordeaux Hospital. In March of 1999, the council authorized the transfer of the property and operations of General Hospital and Bordeaux Hospital to the hospital authority. The hospital authority currently operates facilities at Bordeaux Hospital for long-term acute care and extended care. The long-term acute care hospital is for patients whose stay is greater than 25 days. The hospital authority is currently under contract with Vanderbilt Medical Center to provide medical care at Bordeaux and General Hospitals.

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RESOLUTION NO. RS2003-1611 (continued)

The hospital authority has determined that it would be financially beneficial to contract for the private operation of the long-term acute care facility at Bordeaux Hospital and has negotiated agreements with Kindred Hospitals Limited Partnership, which is a subsidiary of Kindred Healthcare, Inc. (Kindred), based in Louisville, KY. Pursuant to these agreements, the hospital authority will lease the long-term acute care facility at Bordeaux Hospital to Kindred, and will provide support services and temporary staffing of the facility.

Pursuant to the sublease agreement, the hospital authority will lease approximately 20,600 square feet of space in the Birmingham Building at Bordeaux Hospital and related hospital equipment to Kindred for the operation of a long-term acute care hospital with 60 beds. The space will consist of an intensive care unit, a procedure room, respiratory services, a supply storage room, and administrative offices. Kindred will be responsible for obtaining all required hospital licenses, certificates, and permits. The initial term of the lease is for 15 years, with an optional renewal period of an additional two 5-year terms. The base rent is to be \$390,000 for the first year, \$450,000 for the second year, \$480,000 for the third year, and \$480,000 plus an increase based on a consumer price index not to exceed 3% per year for the remaining years of the lease term. The hospital authority will be responsible for providing heating and air, electricity, and telephone service, as well as security for the premises and designated parking. Kindred Hospitals will construct improvements at their own expense prior to assuming operation of the facility. Kindred will also be responsible for paying any required taxes. Kindred has agreed to indemnify the hospital authority against claims resulting from Kindred's operation of the facility, and will be required to maintain insurance coverage in the amount of \$5 million for property damage and personal injury, \$1 million in workers' compensation, and \$2 million in fire legal liability coverage. The parties also agree not to transfer confidential information except as allowed by law or governmental regulation.

Pursuant to the ancillary and support services agreement, the hospital authority will provide support services to Kindred, including surgical services, radiology, pharmaceutical, housekeeping, linen, hazardous waste removal, food and dietician services, rehabilitation therapy, and emergency physician coverage. Kindred will pay the costs for these services as specified in the contract. Kindred will provide all other personnel required to develop and operate the long-term acute care center including the treating physicians, except as provided in the supplemental temporary staffing agreement.

The supplemental staffing agreement provides that the hospital authority will furnish the temporary services of up to four registered nurses ("RNs") and three licensed practical nurses ("LPNs"), as well as five additional pool LPNs and a unit secretary. Kindred expects to utilize these nurses for approximately four months, but may use them up to one year. Kindred will pay the actual salary and benefits to the hospital authority for the use of the employees' services.

This resolution is before the council as Substitute Resolution No. R99-1413 provides that any contract approved by the hospital authority that meets the requirements of Section 4.12.095 of the Metro Code must be approved by Council. Metro Code Section 4.12.095 applies to any privatization contract that has an annual value of \$100,000 or more, or that could result in the loss of employment for two or more employees.

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RESOLUTION NO. RS2003-1611 (continued)

Bordeaux has been losing \$100,000 to \$200,000 per year on this part of their hospital. It is not expected that more than two or three employees will lose jobs as a result of this sublease, and more than likely such employees would be hired by Kindred.

This resolution must receive twenty-one affirmative votes to be adopted.

RESOLUTION NO. RS2003-1612 (JENKINS) – This resolution authorizes the department of law to compromise and settle the lawsuit of Lee Parks against the Metropolitan Government in the amount of \$80,000. On August 3, 2001, Mr. Parks was walking back to his car in a crowd of between 30-50 people after a Nashville Kats football game and stepped into a broken and partially missing storm drain on the 3rd Avenue South curb at the intersection of the Shelby Street Bridge, causing him to be trapped in the drain. Mr. Parks alleges that Metro knew or should have known about the defective condition. The basis for his claim is that the Metro police officer who arrived at the scene of the accident told him she had filed a safety hazard notification report a couple of weeks before the incident notifying public works of the dangerous condition. Although this report was filed, the department of public works did not receive the report for repair. An investigation has been conducted to determine the reason that the report was not submitted to public works to prevent a recurrence.

Mr. Parks suffered injuries to his right hip, left knee, and right foot requiring surgery and 46 separate visits for medical care. Mr. Parks incurred medical bills totaling \$26,256.63. Mr. Parks' doctor stated that he has a 30% permanent partial impairment to the extremity and will likely require additional surgery on his knee in the future. Mr. Parks' claims loss of enjoyment of life and inconvenience due to the injury, and claims he is unable to participate in kickboxing and other physical activities that he enjoyed. The department of law recommends settling this lawsuit for the amount of the medical bills plus \$53,743.37 for pain and suffering and impairment.

RESOLUTION NO. RS2003-1613 (WALLACE) – This resolution authorizes the Beale Street Blues Company to construct and maintain a sign measuring 7 $\frac{3}{4}$ feet tall by 4 feet wide, to project 5 feet over and 10 feet above the public sidewalk at the B.B. King's Blues Club located at 152 - 2nd Avenue North. The Beale Street Blues Company has agreed to indemnify the Metropolitan Government for any claims arising from the installation or maintenance of the sign, and will be required to furnish a certificate of public liability insurance in the amount of \$300,000 naming Metro as an insured party.

This resolution has been referred to the planning commission.

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- BILLS ON THIRD READING -

SUBSTITUTE ORDINANCE NOS. BL2003-1387 (WALLACE) – This substitute ordinance, as amended, amends permit parking program sections of the Metropolitan Code to enable single-family residential lots located within 600 feet of a college, university, or other post-secondary school to be eligible for residential permit parking. The Metro Code currently provides for a residential permit parking program. In order for an area to be designated for residential permit parking, a petition requesting the permit parking area must be filed with the councilmember representing the district in which the proposed area is located. The petition must be signed by seventy-five percent (75%) of the residents within the geographic limits requested to be included in the residential permit parking area. The petition must include each petitioner's name and driver's license number, the time of day the permit is to be required, a description of the geographic boundaries of the area, and the maximum time limit that a non-permit holder should be allowed to park. The councilmember then submits the petition, with a written recommendation, to the chief traffic engineer. The chief traffic engineer in turn makes a recommendation to the traffic and parking commission, who then either approves or disapproves. If approved, the area is designated as a residential permit parking area and residents are required to apply for a parking permit and pay a fee set by the traffic and parking commission and approved by the council to cover the administrative costs.

The Metro Code also provides for a downtown area residential permit parking program whereby residents of the downtown area may apply for a permit that enables them to park on downtown streets without payment of the required parking meter charges. Applicants for the downtown area are required to pay an annual fee set by the traffic and parking commission and approved by the council.

Pursuant to this substitute ordinance, as amended, a university area residential lot shall be eligible for individual residential permit parking. A "university area lot" means any lot that has an erected and occupied single-family residence within 600 feet of a public or private university or college. For purposes of this ordinance, a university or college means an institution that offers a minimum of a bachelor degree in science or art. In addition, the area eligible for residential permit parking must include at least 250 feet of frontage.

The traffic and parking commission again deferred taking action on this ordinance at their August 11, 2003 meeting.

ORDINANCE NO. BL2003-1509 (PONDER) – This ordinance, as amended, amends the Metropolitan Code of Laws to clarify that in-line and roller skating is permitted on an undivided two-lane roadway in a residence district. The purpose of this ordinance is to clear up some ambiguity surrounding the existing in-line skating ordinance. The current ordinance provides that a person may not operate scooters, in-line skates, or roller skates on public roadways except as otherwise provided in the ordinance. The problem with this language is that there is no other provision in the ordinance stating where in-line skating is permitted. Thus, the ordinance can be interpreted as an outright ban on in-line skating.

This ordinance modifies this Code section to provide that scooters, in-line skates and roller skates may be operated on an undivided two-lane roadway in a residence district. In-line skating would also be permitted on a designated bicycle lane adjacent to or as a part of any (continued on next page)

ORDINANCE NO. BL2003-1509 (continued)

public roadway. Furthermore, if a designated bicycle lane happens to be adjacent to an undivided two-lane residential street, then skating would be restricted to the bicycle lane.

This ordinance was disapproved by the traffic and parking commission.

ORDINANCE NO. BL2003-1510 (SHULMAN) – This ordinance, as amended, amends the Metropolitan Code of Laws regarding the collection of garbage during nighttime hours. The current Code provisions prohibit the collection of garbage between the hours of 11:00 p.m. and 7:00 a.m. for containers located within 300 feet of a residential structure outside of the CC and CF zoning districts. This ordinance would add certain dumpster-type container requirements. Specifically, dumpsters located within 300 feet of a residence would be required to have a non-metal lid and have a label affixed to the outside of the container indicating the owner's name, the telephone number of the owner, and the telephone number of the Codes department.

ORDINANCE NO. BL2003-1516 (WALLACE) – This ordinance authorizes Warner Music Group to construct and maintain a communication duct under the public right-of-way between the buildings located at 20 and 21 Music Square East. Warner Music Group has agreed to indemnify the Metropolitan Government from all claims in connection with the construction and maintenance of the communication duct. Furthermore, Warner Music Group is required to post a \$300,000 certificate of public liability insurance with the Metropolitan clerk naming the Metropolitan Government as an insured party.

This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2003-1519 (WALLACE) – This ordinance authorizes Parkway Properties, L.P., to construct and maintain various encroachments on the sidewalk at the Bank of America Building and Plaza located at Union Street and 5th Avenue North. The encroachments consist of the following:

1. Aggregate planters along Union Street and 5th Avenue North;
2. A canopy over the Union Street entrance of the Bank of America Plaza Building, extending 10 feet over the public sidewalk and measuring 15 feet above the sidewalk; and
3. Alternate paving materials at the Bank of America Plaza entrance on Union Street and Bank of America Plaza Building entrance on Union Street.

Parkway Properties, L.P., has agreed to indemnify the Metropolitan Government from all claims in connection with the construction and maintenance of encroachments and is required to post a \$300,000 certificate of public liability insurance with the Metropolitan Clerk naming the Metropolitan Government as an insured party.

This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2003-1522 (WALLACE) – This ordinance closes a portion of Alley #378 extending from the east margin of 18th Avenue North between Church Street and State Street for the benefit of the U.S. Postal Service. Metro has determined that there is no future governmental need for this portion of the alley. The Metropolitan Government will retain all easements.

This ordinance has been approved by to the planning commission and the traffic and parking commission.

Information regarding consent of the affected property owners is on file with the planning commission.

ORDINANCE NO. BL2003-1526 (JENKINS & BALTHROP) – This ordinance authorizes the Metro police department to accept 42 pieces of art by local artists, 3 sculpture stands, and 6 frames, with a total value of \$48,295, to be displayed in the domestic violence division. This donation was coordinated by a community advocate against family violence. The artwork is being donated to provide comfort to those who are assisted by the domestic violence division.

ORDINANCE NO. BL2003-1527 (JENKINS & BALTHROP) – This ordinance approves a memorandum of understanding between the Metropolitan Nashville airport authority (MNAA) and the Metropolitan Government regarding emergency fire/ambulance and rescue service at the John C. Tune airport. Pursuant to this agreement, Metro will provide necessary emergency response and rescue services to the John C. Tune airport operated by MNAA in exchange for Metro's use of MNAA's 1987 Oshkosh T-3000 crash rescue fire truck. Metro will keep the truck at the closest available fire hall and keep the vehicle available for aviation related calls. The term of the agreement is for five years with Metro having an option to purchase the vehicle at the end of the term for \$1.00. Future amendments to this agreement may be approved by resolution of the Metro Council.

ORDINANCE NO. BL2003-1528 (HALL) – This ordinance authorizes a participation agreement between the Metropolitan Government and Copperstone Development to provide sewer services to phase 1 of the Copperstone subdivision in Williamson County. Copperstone Development has agreed to pay \$84,000 in lieu of construction for a total of 42 single-family connections.

ORDINANCE NO. BL2003-1529 (BRILEY) – This ordinance amends the lease agreement for the lease of space at Parkway Towers for the public defender. The original lease agreement between Metro and Domain Copper Ridge Associates, Ltd., was approved by the council on June 10, 2003. However, on May 9, 2003, Domain Copper Ridge Associates, Ltd., sold the Parkway Towers building to NNN Parkway Towers, LLC. This ordinance amends the lease agreement to reflect this change in ownership. This lease amendment also makes certain other minor modifications to the agreement. The rent schedule in the original lease provided that the annual rental cost was to be \$391,884 for the first two years and increase 2.5% per year thereafter. This amendment modifies the rent schedule to include the precise rent to be paid each year, which remains at an approximate increase of 2.5% annually. This amendment also increases the parking fee by \$30.00 per month effective in 2008, and clarifies other minor parts of the agreement to aid in its administration.

ORDINANCE NO. BL2003-1530 (BRILEY) – This ordinance ratifies a state law provision to enable the Metropolitan Government to accept the distribution of funds from the sale of property that has been used in or is the result of criminal offenses. State law adopted in 1998 provides for the seizure and forfeiture to the state of all property acquired and accumulated as a result of criminal offenses. Upon being seized by the attorney general or law enforcement agency, a judicial proceeding is brought for the forfeiture of the property. The property is then sold at auction once a judgment for forfeiture is entered. The state law governing such seizures and forfeitures further provides that if the investigating and seizing agency is a local public agency, then the funds from the sale shall be distributed to the local government upon ratification of this state law chapter by the local governing body. These funds will be deposited into special accounts to be used only for law enforcement purposes. In accordance with state law, these funds are not to be used to supplement salaries of police officers or other public employees, nor are they to be used to supplant other local or state funds.

ORDINANCE NO. BL2003-1531 (WALLACE, WATERS & OTHERS) – This ordinance authorizes the Metropolitan development and housing agency (MDHA) to install a sculpture within the public right-of-way of the Music Row Roundabout, and accepts the donation of the sculpture to the Metropolitan Government upon installation of the sculpture. The design of this sculpture has been approved by an ad hoc art design review committee and affirmed by the Metropolitan arts commission. The sculpture was part of the original design plan for the roundabout.

This ordinance has been referred to the planning commission.

ORDINANCE NO. BL2003-1532 (BRILEY & HART) – This ordinance accepts an advance distribution of \$50,000 from the estate of David B. Trowbridge to the Metropolitan department of health for use by the animal control division. Pursuant to Mr. Trowbridge's last will and testament, his estate was left in trust for the care of his surviving pets, and upon their death the funds are to be distributed equally among the Humane Society of America, the Nashville Humane Association, and the animal control division of the Metro health department. The court has authorized an advance distribution of \$50,000 to each of these entities and this ordinance simply accepts the funds for the use of the division of animal control.

ORDINANCE NO. BL2003-1533 (JENKINS & WALLACE) - This ordinance, as amended, delegates the authority to the industrial development board of the Metropolitan Government to accept agreements for payments in lieu of ad valorem taxes for the public purpose of increasing downtown development activity. State law permits local governments to delegate the authority to industrial development boards to enter such agreements provided that the payments are in furtherance of the public purpose of the board. Payment in lieu of taxes (PILOT) programs have been used by the Metropolitan Government in the past to provide incentives to large employers to create more job opportunities and are subject to approval by the council. Some of the more prominent PILOT agreements from previous years include agreements with Columbia/HCA Healthcare Corporation, Inc., and Dell Computer Corporation. PILOT agreements were entered with HCA through the health and education facilities board as part of the package of incentives for HCA's relocation of its headquarters (continued on next page)

ORDINANCE NO. BL2003-1533 (continued)

from Louisville to Nashville and for the construction of the new Memorial and Summit Hospitals. PILOT agreements were also authorized by the council through the industrial development board as part of the incentives provided to Dell as part of their locating in Nashville.

Resolution No. RS2002-1067, adopted in June of 2002, supported increased downtown housing options and provided that financial participation on the part of Metro and/or MDHA, including development incentives, may be necessary in encouraging private developers to undertake housing construction projects in the downtown area. The Downtown Living Initiative, which was a collaborative effort between MDHA, the Downtown Partnership, the planning commission, the mayor's office of economic development, the mayor's office of affordable housing, and the Nashville Civic Design Center, recommended the use of PILOT incentives to increase development within the downtown area.

This ordinance authorizes the industrial development board to accept PILOT agreements for the public purpose of increasing downtown development activity. For purposes of this ordinance, the downtown area includes approximately 80 blocks of Nashville's central business district covering the area bordered by 1st Avenue, 9th Avenue, Union Street and Peabody Street. Under this PILOT program property owners/developers would be able to transfer property to be developed to the industrial development board, which qualifies as a tax exempt governmental entity. The developers would then make payments to Metro in lieu of property taxes. This provides an incentive to developers for the development of downtown housing.

Section 1 of this ordinance provides that the council hereby finds in accordance with the applicable state law that increasing the availability of all types of housing in the downtown area is in furtherance of the public purpose of the industrial development board. The state law providing for industrial development boards indicates that the legislative intent for the creation of the boards is to "maintain and increase employment opportunities ... and increase the quantity of housing available in affected municipalities by promoting industry, trade, commerce, tourism and recreation, agriculture and housing construction by inducing manufacturing, industrial, governmental, educational, financial, service, commercial, recreational and agricultural enterprises to locate or remain in this state..." The state law provision governing industrial development boards also incorporates the public policy statement of the Industrial Building Bond Act, which includes the promotion of industry and development of trade to decrease unemployment and increase the average family income.

This ordinance provides that MDHA will be responsible for the negotiation and administrative functions associated with executing the PILOT agreements. The PILOT agreements for the downtown area will have to conform with the PILOT general program description attached as part of this ordinance. The program description provides that the maximum term for a PILOT lease will be seven years, and that a minimum of 20% of the development project must be set aside for affordable housing. Pursuant to the downtown PILOT program, the property taxes will be reduced on the property's improvements, not for its unimproved value. The program description also provides that an applicant developer would be required to either own the property or have an option to purchase the property so that they will be able to convey the property to the industrial development board to be eligible for the PILOT program.

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ORDINANCE NO. BL2003-1533 (continued)

The general program description, as amended, further provides that the industrial development board is to notify the mayor and the council in writing upon the receipt of a PILOT tax abatement application indicating the date and time that the application will be considered by the board. Upon approval of a PILOT agreement by the industrial development board, the board is to again notify the mayor and the council of the precise terms of the agreement. The mayor will then have 14 days to approve or disapprove the PILOT agreement and the council will have 14 days to file a resolution ratifying the PILOT agreement to be heard at the next council meeting in conformance with the council Rules of Procedure. All resolutions ratifying such PILOT agreements must receive 21 affirmative votes.

ORDINANCE NO. BL2003-1534 (MCCLENDON & HALL) – This ordinance authorizes the director of public property administration to acquire easements by negotiation or condemnation for the purpose of constructing and maintaining water mains and sanitary sewers in connection with the Timmons Street sewer extension project. The easements to be acquired are on property located at 301A, 303A, 307, and 311 Timmons Street. The estimated cost for the easements is \$6,000 and is to be paid out of the water and sewer extension and replacement fund. This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2003-1535 (HADDOX & HALL) – This ordinance abandons an existing water line and easement located on the St. Cecilia Motherhouse/Convent property. This ordinance provides that the water line and easement will be abandoned upon the relocation of the line. This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2003-1536 (WHITMORE & HALL) – This ordinance abandons an existing sanitary sewer line and easement on property at 2008 Charlotte Avenue for the purpose of adding a fire hydrant. This property is owned by the American Cancer Society, Mid-South Division, Inc., and the department of water and sewerage services has determined that this property is no longer being used by Metro. This ordinance provides that the sewer line and easement will be abandoned upon the relocation of the line. This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2003-1537 (GILMORE, PONDER & STANLEY) – This ordinance accepts the donation of a conservation easement from Nashville and Eastern Railroad for use in the greenway system. Metro greenway easement agreements provide that Metro may use the property for a pathway for pedestrian or bicycle travel, nature trail, and/or nature area. This agreement also provides that Metro will install fencing in the area, will install signs and markers at railroad crossings to convey information about Nashville and Eastern Railroad's history, and will pay Nashville and Eastern Railroad \$20,000 as a reimbursement for the railroad's costs in restoring and repairing a bridge. Greenways for Nashville is to provide a \$2,000,000 liability insurance policy naming the railroad as additional insured. This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2003-1538 (HALL & DERRYBERRY) – This ordinance abandons an existing sanitary sewer line and easement on Metropolitan Airport Authority property northeast of Murfreesboro Road. The department of water and sewerage services has determined that this property is no longer being used by Metro. This ordinance provides that the sewer line and easement will be abandoned upon the relocation of the line. This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2003-1539 (BLACK) – This ordinance closes an unnumbered alley between Pfeiffer Street and Powell Avenue. It has been determined that there is no future need of this alley for governmental purposes. This closure has been requested by Ronald Laster on behalf of Homer Simpkins and H.B. Binkley, the abutting property owners. Metro will retain all easements. This ordinance has been approved by the planning commission and the traffic and parking commission.

Information showing consent of the affected property owners has been requested.

ORDINANCE NO. BL2003-1540 (WALLACE, WHITMORE & OTHERS) – This ordinance declares 11 parcels of property owned by the Metropolitan Government to be surplus and authorizes the director of public property administration to sell the property at the current fair market value. The Metropolitan Government has determined that these parcels are no longer needed for governmental purposes. The proceeds from the sale of these parcels will be credited to the general fund. The property to be sold consists of the following:

- 2 parcels on University Avenue
- 1 parcel on Herman Street
- 3215 Curtis Avenue
- 2203 15th Avenue North
- 1500 Cecilia Avenue
- 1617 6th Avenue North
- 1540 12th Avenue North
- 721 28th Avenue North
- 19 Lafayette Street
- 3166 Parthenon Avenue

With the exception of the Parthenon Avenue property, all of these parcels were acquired by Metro Government as a result of the property owner's failure to pay back property taxes. This ordinance has been approved by the planning commission.